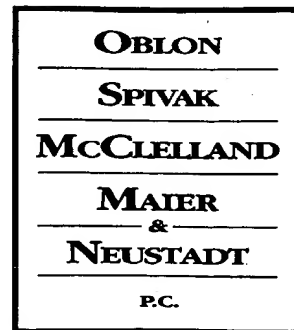


ITW DAE



Docket No.: 197129US0PCT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 09/623,485  
Applicants: Nobuya SATO, et al.  
Filing Date: September 15, 2000  
For: COVERING SHEET FOR SKIN AND HAIR  
Group Art Unit: 1615  
Examiner: GHALI, I.

SIR:

Attached hereto for filing are the following papers:

**PETITION TO THE COMMISSIONER UNDER 37 C.F.R. §1.181**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

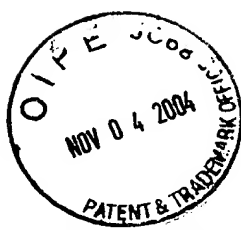
Frederick D. Vastine, Ph.D.  
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(703) 413-2220 (fax)

197129US0PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Nobuya SATO et al

SERIAL NO: 09/623,485

FILED: SEPTEMBER 15, 2000

FOR: COVERING SHEET FOR SKIN  
AND HAIR

:

: EXAMINER: GHALI, I.

:

: GROUP ART UNIT: 1615

PETITION TO THE COMMISSIONER UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA. 22313-1450

SIR:

The Commissioner is respectfully requested to take corrective and remedial action in the matter of the above-identified application, specifically regarding the designation of the Office Action of October 15, 2004, as a final Office Action.

The Examiner, in the Action of October 15, 2004, has cited two new references for the first time which are JP 09-216809 and JP 05-188527, and has rejected all claims under active consideration in the case over each reference, in paragraphs 7 and 8 of the Action. Further, the two newly cited references have been used in combination with the '550 U.S. Patent reference to reject Claims 7-10 in a third ground of rejection.

The Examiner attempts to justify this action by stating on page 2 of the Office Action that Applicants' amendments to the claims in their response filed July 27, 2004, necessitated the new grounds of rejection. Applicants respectfully disagree that their earlier amendments to the claims have necessitated new grounds of rejection because the amendments made to Claims 1 and 24 were limited in scope to some corrective matters and the narrowing in scope of some

Appl. No. 09/623,485  
Petition under 37 C.F.R. §1.181

of the materials which define the medicinal ingredient (B) and the oily ingredient. It is not at all clear that these relatively few amendments necessitated the citation and application of the two Japanese references, each of which shows a sheet material for application to the skin, which, in each case, is based on a water-soluble polymeric material, whereas the polymer materials which constitute the structural component of the sheet of the present invention are not water soluble. Further, the amendment filed July 27, 2004, did not change the scope of the embodiments of the invention of Claims 1 and 24.

Still further, the holding of finality of the Office Action precludes Applicants of any opportunity of responding to the newly formulated prior art rejections which would require amendments to the claims. For the above-stated reasons, it is believed that the holding of the Office Action as a final Action is premature and should be reversed.

In the event that any fees are necessary for this petition, please charge any fees due to our Deposit Account No. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



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